

AO 240 (Rev. 10/03)
DELAWARE (Rev. 4/05)

FILED

OCT -5 2006

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWAREU.S. DISTRICT COURT
DISTRICT OF DELAWARE

Plaintiff

V.

Defendant(s)

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

CASE NUMBER: 06cv548 GMS

I, Joseph L. Delmonico declare that I am the (check appropriate box)☐ Petitioner/Plaintiff/Movant☐ Other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915, I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☐ Yes ☒ No (If "No" go to Question 2)

If "YES" state the place of your incarceration _____

Inmate Identification Number (Required): _____

Are you employed at the institution? _____ Do you receive any payment from the institution? _____

Attach a ledger sheet from the institution of your incarceration showing at least the past six months' transactions

2. Are you currently employed? ☐ Yes ☒ No
- a. If the answer is "YES" state the amount of your take-home salary or wages and pay period a and give the name and address of your employer.
- b. If the answer is "NO" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.
3. In the past 12 twelve months have you received any money from any of the following sources?

- | | | |
|---|--------------------------------------|-------------------------------------|
| a. Business, profession or other self-employment | <input type="radio"/> Yes | <input checked="" type="radio"/> No |
| b. Rent payments, interest or dividends | <input type="radio"/> Yes | <input checked="" type="radio"/> No |
| c. Pensions, annuities or life insurance payments | <input type="radio"/> Yes | <input checked="" type="radio"/> No |
| d. Disability or workers compensation payments | <input checked="" type="radio"/> Yes | <input type="radio"/> No |
| e. Gifts or inheritances | <input type="radio"/> Yes | <input checked="" type="radio"/> No |
| f. Any other sources | <input type="radio"/> Yes | <input checked="" type="radio"/> No |

If the answer to any of the above is "YES" describe each source of money and state the amount received AND what you expect you will continue to receive.

Social Security, Disability
1,200.00 Per Month
2,000.00 BILLS Per Month

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4. Do you have any cash or checking or savings accounts?

•• Yes

•• No

If "Yes" state the total amount \$

220

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property?

•• Yes

•• No

If "Yes" describe the property and state its value.

CAR 1998 MITZ. mobile VALU \$8,000.00
 Mobile home 1984 VALU \$30,000.00

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support, OR state NONE if applicable.

Wife & NO
 If possible.

I declare under penalty of perjury that the above information is true and correct.

10 24 06

DATE



SIGNATURE OF APPLICANT

NOTE TO PRISONER: A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

Joseph L. D'Alessandro, Pro se
Olga D'Alessandro, Pro se
23136 Prince George Drive
Angola Estates
Lewes, DE 19958-9342

WILMINGTON DE 197
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Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19804-3570

OFFICIAL BUSINESS

10/5/06

FOR THE DISTRICT OF DELAWARE

Defendant.

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Civil Action No. 06-548-GMS

The plaintiffs, Joseph L. D'Alessandro ("Mr. D'Alessandro") and Olga D'Alessandro ("Mrs. D'Alessandro"), appear *pro se*, and have filed this action without prepayment of the filing fee. The plaintiffs are jointly and severally liable for the \$350.00 filing fee.

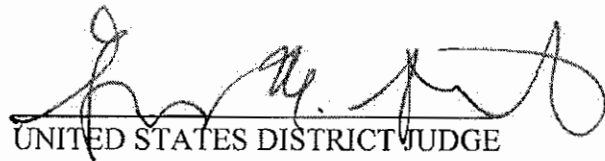
Mrs. D'Alessandro filed a request to proceed *in forma pauperis* (D.I. 1), but it does not contain any information for the court to make a determination if Mr. D'Alessandro may proceed *in forma pauperis*. Mrs. D'Alessandro did not request to proceed *in forma pauperis*.

Therefore, Mr. and Mrs. D'Alessandro **shall each file** with the court a request to proceed *in forma pauperis* within thirty (30) days from the date of this order. The clerk of the court is directed to provide the plaintiffs with the necessary forms for filing said application. **Failure by either plaintiff to return the requested information within the thirty days shall result in his or her dismissal from the action without prejudice.**

The court also notes that the complaint in this case is filed on behalf of both the plaintiffs, but is signed only by plaintiff Mr. D'Alessandro. Mr. D'Alessandro is not an licensed attorney and therefore cannot represent or file documents on behalf of other individuals even if the other

individual is his wife. Hence, pleadings filed on behalf of both the *pro se* plaintiffs **must** be signed by each of them. Because the complaint is signed only by Mr. D'Alessandro, the complaint (D.I. 2) is **STRICKEN**. The plaintiffs are given leave to file an amended complaint appropriately signed by both plaintiffs. **The amended complaint shall be filed within 30 days from the date of this order or the case will be closed.**

The plaintiffs are forewarned that future pleadings filed on behalf of both *pro se* plaintiffs and that are not signed by each of them will be **STRICKEN**.


UNITED STATES DISTRICT JUDGE

September 28, 2006
Wilmington, Delaware

